



U.S. Department of Justice

Tax Division

Facsimile No. (202) 514-6770
Trial Attorney: Ellen K. Weis
Attorney's Direct Line: (202) 616-9010

Please reply to: Civil Trial Section, Central Region
P.O. Box 7238
Ben Franklin Station
Washington, D.C. 20044

JAD:SGH:EKWeis
5-23-19195
CMN2011100445

July 13, 2011

VIA FEDEX

Leah Bytheway
Maven U.S. LLC
2380 Esplanade Dr. Suite 203
Algonquin, IL 60102

Re: *United States v. Sunderlage et al.*, Case No. 11-cv-4713

Dear Ms. Bytheway:

Thank you for speaking to me and Harris Phillips today. As we discussed, I am requesting that Maven U.S. LLC, as a defendant, waive service of the summons in *United States v. Sunderlage et al.* The enclosed packet contains information on what it means to waive service of the summons.

If Maven U.S. LLC has hired an attorney to represent it in this lawsuit, please give a copy of this letter and the enclosures to the attorney.

If you or Maven U.S. LLC's attorney wish to discuss my request for a waiver or the lawsuit generally, please feel free to contact me at (202) 616-9010 or ellen.k.weis@usdoj.gov.

Sincerely yours,

ELLEN K. WEIS
Trial Attorney
Civil Trial Section, Central Region

Enclosures: Notice of Lawsuit and Request to Waive Service
Waiver of Service of Summons (2 copies)
Complaint
Return Envelope

Exhibit

C

UNITED STATES DISTRICT COURT

for the
Northern District of Illinois

United States of America

Plaintiff

v.

Tracy L. Sunderlage, et al

Defendant

Civil Action No. 11-cv-4713

NOTICE OF A LAWSUIT AND REQUEST TO WAIVE SERVICE OF A SUMMONS

To: Leah Bytheway, as Registered Agent for Maven U.S. LLC d/b/a Maven LLC

(Name of the defendant or - if the defendant is a corporation, partnership, or association - an officer or agent authorized to receive service)

Why are you getting this?

A lawsuit has been filed against you, or the entity you represent, in this court under the number shown above. A copy of the complaint is attached.

This is not a summons, or an official notice from the court. It is a request that, to avoid expenses, you waive formal service of a summons by signing and returning the enclosed waiver. To avoid these expenses, you must return the signed waiver within 30 days (give at least 30 days, or at least 60 days if the defendant is outside any judicial district of the United States) from the date shown below, which is the date this notice was sent. Two copies of the waiver form are enclosed, along with a stamped, self-addressed envelope or other prepaid means for returning one copy. You may keep the other copy.

What happens next?

If you return the signed waiver, I will file it with the court. The action will then proceed as if you had been served on the date the waiver is filed, but no summons will be served on you and you will have 60 days from the date this notice is sent (see the date below) to answer the complaint (or 90 days if this notice is sent to you outside any judicial district of the United States).

If you do not return the signed waiver within the time indicated, I will arrange to have the summons and complaint served on you. And I will ask the court to require you, or the entity you represent, to pay the expenses of making service.

Please read the enclosed statement about the duty to avoid unnecessary expenses.

I certify that this request is being sent to you on the date below.

Date: 07/13/2011



Signature of the attorney or unrepresented party

Ellen K. Weis

Printed name

U.S. Department of Justice
Post Office Box 7238, Ben Franklin Station
Washington, D.C. 20044

Address

ellen.k.weis@usdoj.gov

E-mail address

(202) 616-9010

Telephone number

AO 399 (Rev. 05/00)

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF ILLINOIS

Waiver of Service of Summons

TO: Leah Bytheway, Registered Agent for Maven U.S. LLC d/b/a Maven LLC
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)I, Maven U.S. LLC d/b/a Maven LLC, acknowledge receipt of your request
(DEFENDANT NAME)that I waive service of summons in the action of United States of America v. Sunderlage, et al,
(CAPTION OF ACTION)which is case number 11-cv-4713 in the United States District Court
(DOCKET NUMBER)

for the Northern District of Illinois.

I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after 07/13/11,
(DATE REQUEST WAS SENT)
or within 90 days after that date if the request was sent outside the United States.

(DATE) (SIGNATURE)

Printed/Typed Name: _____

As _____ of Maven U.S. LLC d/b/a Maven LLC
(TITLE) (CORPORATE DEFENDANT)

Duty to Avoid Unnecessary Costs of Service of Summons

Rule 4 of the Federal Rules of Civil Procedure requires certain parties to cooperate in saving unnecessary costs of service of the summons and complaint. A defendant located in the United States who, after being notified of an action and asked by a plaintiff located in the United States to waive service of summons, fails to do so will be required to bear the cost of such service unless good cause be shown for its failure to sign and return the waiver.

It is not good cause for a failure to waive service that a party believes that the complaint is unfounded, or that the action has been brought in an improper place or in a court that lacks jurisdiction over the subject matter of the action or over its person or property. A party who waives service of the summons retains all defenses and objections (except any relating to the summons or to the service of the summons), and may later object to the jurisdiction of the court or to the place where the action has been brought.

A defendant who waives service must within the time specified on the waiver form serve on the plaintiff's attorney (or unrepresented plaintiff) a response to the complaint and must also file a signed copy of the response with the court. If the answer or motion is not served within this time, a default judgment may be taken against that defendant. By waiving service, a defendant is allowed more time to answer than if the summons had been actually served when the request for waiver of service was received.

Waiver of Service of Summons

TO: Leah Bytheway, Registered Agent for Maven U.S. LLC d/b/a Maven LLC
(NAME OF PLAINTIFF'S ATTORNEY OR UNREPRESENTED PLAINTIFF)

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(DEFENDANT NAME)

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